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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,715	06/17/2005	Ralf Neuhaus	2002P02867WOUS	2597

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Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

GOEL, DINESH K

ART UNIT	PAPER NUMBER
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2419

MAIL DATE	DELIVERY MODE
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12/31/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/520,715	Applicant(s) NEUHAUS ET AL.	
	Examiner DINESH GOEL	Art Unit 2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. The examiner disagrees with applicant's argument about the first deficiency in the rejection based on the teaching of Dutta et al (Paragraph 0044 lines 5-7). Dutta et al teach that a second search message is sent to the responding node to retrieve the required information (or service as addressed in the rejection of claims 10 and 28). Applicant's arguments with respect to other limitations of claims 10 and 28 have also been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 10-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta et al (U. S. Publication Number 2002/0073204), and in view of Iwami et al (U.S. Patent No. 5315705).

Referring to claim 10 and 28, Dutta et al disclose (Paragraph 0011) a network, comprising: communication components having associated addresses, wherein the

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communication components are adapted to communicate with one another by using the addresses, wherein

a first plurality of the communication components has objects (files) comprising a communication service usable in the network (Paragraph 0037), wherein

search functions are integrated in a second plurality of the communication components for ascertaining the addresses of such communication components having objects (Paragraphs 0035 and 0036) , wherein

each search function is adapted to send a first search message (Paragraph 0041) which prompts each communication component reached by the first search message to return a hit response containing its address (Paragraph 0044), wherein

each search function is further adapted to send at least a second search message comprising information about required resources to at least one of the ascertained communication components (Paragraph 0044 and 0045), wherein

at least one of the ascertained communication components which is able to provide the required resources responds to the second search message (Paragraph 0055-0057), wherein

the response to the second search message contains information about the communication service (Paragraph 0055), and wherein

the communication components responding to the second search message forward the second search message to other communication components (Paragraph 0037).

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Dutta et al do not specifically teach that a first plurality of the communication components has resources comprising a communication service usable in the network. Instead, they teach these resources being files containing information which are interchanged by communication components in a peer-to-peer network. Although they teach that the invention is not limited to be used by the file sharing applications (Paragraph 0035).

However, Iwami et al teach communication components having resources comprising a communication service usable in a similar peer-to-peer network. They also teach gateway resources providing access to ISDN network (Column 1 Line 37-Column 2 Line 19, Column 3 Lines 6-34).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to have modified the teachings of Dutta et al with the teachings of Iwami et al. The motivation would have been to allow sharing emerging new applications and services by communication components in a peer-to-peer network, in addition to file interchange.

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

Referring to claim 11, Dutta et al further teach that the communication components are adapted to store details about the resources of the communication components which can be used in the network (Paragraph 0011).

Referring to claims 12 and 13, Dutta et al further teach that the second search message is designed to ascertain the information stored in a communication component about the usable resources of the communication components, wherein the response to this search message comprises the addresses and use-related details (Paragraphs 0044-0045, 0055-0057).

Referring to claims 14-16, Dutta et al further teach that the communication components are adapted to disable or enable access to individual or all inherent resources of a communication component (Paragraph 0011, 0054, 0057).

Referring to claims 17-19, Dutta et al further teach (Paragraphs 44, 55-57), that the communication components are designed to respond to the first and the second search messages.

Referring to claims 20-22, Dutta et al further teach that the search function of a communication component is adapted such that it sends at least one first search message and continues to send second search messages until a sought resource has

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been found in the network and the information transmitted in the response to one of the second search messages allows the use of the resource (Paragraph 41, 55).

Referring to claims 23-25, Dutta et al further teach the addresses of communication components which have been obtained from the hit response and from the response to second search messages can be used to set up communication links (Paragraph 44, 45).

Referring to claims 26-27, Dutta et al further teach the response comprises a type and a number of available resources and/or available communication services and also a type of an inherent network access, including bandwidth and availability, and a location information (Paragraph 44, 0055, 0052),.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DINESH GOEL whose telephone number is (571)270-5201. The examiner can normally be reached on Monday-Friday 8:00 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Ryman can be reached on 571-272-3152. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dinesh Goel/
Examiner, Art Unit 2419

/Daniel J. Ryman/
Supervisory Patent Examiner, Art Unit 2419